

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TURNER BROADCASTING SYSTEM,
INC., et al.,

Plaintiffs,

v.

FEDERAL COMMUNICATIONS
COMMISSION, et al.,

Defendants.

Civil Action No. 92-2247
(and Consolidated Cases
Civil Action Nos. 92-2292,
92-2494, 92-2495, 92-2558)

(SFW, TPJ, SS)

APPENDIX TO
PUBLIC BROADCASTER DEFENDANT-INTERVENORS'
MOTION FOR SUMMARY JUDGMENT

VOLUME 2

(STATION WITNESS DECLARATIONS)

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Stations, Public Broadcasting
Service, and Corporation for
Public Broadcasting

Dated: May 26, 1995

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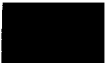
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W T V S

July 8, 1993

Mr. Rob Austin
Continental Cablevision
2800 S. Gulley
Dearborn Heights, MI 48125

Dear Mr. Austin:

It has come to our attention that Continental Cablevision of Dearborn Heights recently relocated WTVS Channel 56 on your system. Our cable position has traditionally been on channel 6. However, we were re-positioned to channel 56 without any notification.

According to the rules in the Cable Television Consumer Protection Act of 1992, specifically section 76.57 (b), that addresses this issue, WTVS may request that Continental Cablevision of Dearborn Heights resume carrying us on the channel on which we were carried on July 19, 1985. Since you may be unsure of the regulations, I have copied and attached the relevant page for your review.

We at WTVS feel the relocation is a displacement that moves us away from our many Dearborn Heights viewers. Therefore, we ask to be returned to channel 6 so that our educational, cultural and public service programming can be seen by a maximum number of your system's subscribers.

Thank you for helping us to serve Dearborn Heights and the people of southeast Michigan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert J. Scott'.

Robert J. Scott
Vice President
Government Relations and Support

Enclosure

cc: Dan Alpert
Jo Trainor
Jerry Trainor


**Continental
Cablevision**

August 12, 1993

Robert J. Scott
VP Government Relations & Support
WTVS-TV 56
7441 Second Blvd.
Detroit, MI 48202-2796

Dear Mr. Scott;

To confirm our telephone conversation of this date, be advised that the signal of WTVS-TV channel 56 will be placed on channel 6 of our cable television system serving Dearborn Heights and Westland per your request dated July 8, 1993.

We are pleased to continue providing WTVS-TV with the improved picture quality our cable customers have come to expect. Thank you for your interest in Continental Cablevision, we look forward to continuing our cooperative relationship in the coming months.

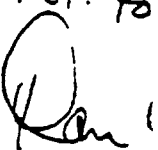
Sincerely,


Kay'elen Perry
General Manager

K'eP/wp

APTS 011

~~San~~
~~FXI~~
Nancy E
thanks for the
tip-off...

it
worked
rel. to




Jan. 1987

Base subscription rate upped

Liberty Cable adds WGN, offers free PASS

By RHODA MIEL

Daily Telegram Staff Writer

ADRIAN — Starting Jan. 16, Liberty Cable Television subscribers will have to get used to some changes.

The cable television system is dropping two television stations, dropping another channel part-time and adding popular independent stations WGN, from Chicago, and Toledo's WUPW. Most of the channels now used to carry stations also will change.

The changes are the result of a survey last year that was designed to show the public's preference for cable television. Liberty General Manager Harry Mungo said.

In addition to the changes, Liberty will increase its basic cable rate from \$10.45 per month to \$13.95 per month, decrease the cost of the pay channel to \$10, and, as of Thursday, the Professional Amateur Sports System (PASS) is free.

The cost changes begin Feb. 1. A nationwide deregulation order that started with the first of the year has allowed Liberty Cable and many

similar businesses to make the rate and channel changes.

Liberty Cable will drop Detroit's CBS affiliate, on Channel 2, and the Toledo ABC station, Channel 24. The Detroit PBS station, Channel 36, will be dropped during the day but programs on it will be carried over the Channel 30 Toledo PBS station during the hours it is off the air.

Starting on or about Jan. 16, Channel 2 on Liberty Cable will carry Cable News Network; Channel 3 will be WGN; 4 will be the Nashville Network; 5 will be Showtime; 6, The Disney Channel; 7, WXYZ, the Detroit ABC affiliate; 8, The Weather Channel; 9, ESPN; 10, WGTB, the Toledo PBS station; 11, WTOL, the Toledo CBS affiliate; 12, WKBD, Detroit's independent Channel 50, and 13, WTVG, the Toledo NBC station.

On Premium One, viewers will see The Movie Channel on 7; C-Span on 8; the USA Network on 9; WDIV, the Detroit NBC affiliate, on 10; Lifetime, on 11; The Discover Channel, a nature and science system, on

12, and PASS and Cable Value Network on 13.

Premium Two will carry the Christian Broadcasting Network on 9; Nickelodeon on 10; WUPW, from Toledo, on 11; WTBS on 12, and Music Television on 13.

The Financial News Network and Arts and Entertainment also will be available for people with a remote-control converter. The system also will carry the Spanish-language Spanish International Network.

Mungo said Liberty also is planning to switch The Movie Channel for Home Box Office sometime in April.

The changes may take place later than the planned Jan. 16 switchover date, he said. Liberty Cable is waiting for some new equipment needed for the changes.

The decisions on which channel to keep or switch off — along with decisions on where to move channels — were based on a survey of local customers and ratings from local news programs, Mungo said.

Local customers will receive information about the change, he said, but added he expects plenty of calls

from upset customers once the changes are made.

"Everybody here knows about it, and we're going to be hiring some people part-time for a couple of weeks just to answer phones," he said. "We know we're going to get some response, but we don't know how much."

Because of deregulation, U.S. cable systems can now charge whatever they want for basic services.

Industry analysts say the average rate for basic cable TV service throughout the country is now slightly more than \$44 a month, considerably higher than cable viewers in Lenawee County.

Several of the nation's top cable companies say they plan to increase rates in many of the communities they serve. Increases will depend on factors within each community, cable officials say.

"I think you're going to see a tremendous amount of restraint in raising prices," said Jim Duffy, director of corporate communications for American Television and

Communications Corporation, the nation's second largest cable

vice. "We would be foolish anything to alienate our customers."

Warner Cable Communications Inc., the nation's sixth largest cable company, plans to immediately increase rates for customers in 20 of the company's 101 cable system locations, according to Don Rooks, company public affairs officer.

Cities previously set the rates that cable operators could charge for basic service. Cable companies were free to set their own rates for premium services.

The decision to deregulate came in 1984 after cities and many of the 7,000 U.S. cable companies frequently squabbled over rates.

Deregulation gives cities the right to stipulate the type of service to be provided, require that public access channels be set aside and require that service be extended to every part of the community, not just affluent neighborhoods.

(The Daily Telegram Washington Bureau contributed to this report.)

WITUS

TV

JAN 7, 87

JAN 13 1987

Susan M Hudson
1123 Vine St
Adrian, Mi 4922
S17 263-9762
Acct # 362568002

WTVS/Channel 56
7441 Second Blvd
Detroit, Mi 48202

This letter is of utmost importance
Our local Cable company is taking
WTVS off the programming for our
area. Currently WTVS is aired
on channel 3. As of Jan 16th
they will be changing channel 3
to another station (WGN) and
dropping WTVS. They will air WTVS
from 11:00 - 2:00 AM on channel 10 -- hours
which children & most adults are not
watching TV. This upsets me
greatly. I am a subscriber to
WTVS and it is the best station
for children that we have. I
feel there is a great need for
the type of programming WTVS offers
I constantly see attend for
this type of programming being

WTVS 000029

removed from the air. Children's shows are being replaced with more competitive programs. My daughter is an avid Sesame Street & Mr Rogers show watcher, and so is my 1 1/2 yr old son. I am very impressed with these 2 programs among others that appear on WTUS.

I have talked to our local cable service and have also written a letter to the manager.

They have informed me that there was a survey done indicating there was not a need for this station. I did not receive a survey & was not able to respond.

~~I do not believe that this~~ information is correct and I feel there is a need for WTUS in our area. Please help me convince them that there is a need and please tell me what I can do to bring WTUS back to us.

The name & address of our local cable service is :

Liberty TV Cable Inc
220 N Main St
Adrian, Mi 49221
517 263 - 4663

general manager : Harry Mungo

Please respond and help save
a vitally important aspect of
television programming -- the
needs of our young children. A
minority, but a very important
minority.

Thank you

WTVS subscriber
Susan M Hudson

Now TCI per Mr. Hudson

→ 517 263 4663

d2
WTVS ch 10
WGTE ch 3

1/30/95



WTVS/Channel 56

Detroit
Public
Televisio

7441 Seco
Detroit, MI
48202-279

(313)873-1

MEMORANDUM

TO: All Departments
FROM: Dan Alpert
DATE: December 23, 1986
SUBJECT: Changes in Cable Carriage

Q.Q.

We are getting many calls and letters from people in the greater Flint area who are served by Comcast Cable. They are complaining because Comcast has announced it will drop Channel 56 from service to its approximately 200,000 homes. Our removal is to take place January 1.

I have spoken with Les Jakobsen, general manager of Flint Comcast Cable, and he did say that many of the letters they were getting to complain of the impending changes mentioned Channel 56. While he did not want to build up false hopes, he did say that they were not opposed to re-considering all the factors involved in their decision. One factor of reconsideration would certainly be the degree of complaint they hear from the public.

Therefore, anyone who calls or writes to us complaining of Channel 56's being dropped by Flint Comcast should be urged to write a letter to;

Mr. Les Jakobsen
General Manager
Comcast Cable
3008 Airpark Drive
Flint, Michigan 48507

Copies of the letter should be sent to:

Valerie Miller
Mayor's Office
Flint, MI 48501

and to WTVS's Communications Department. The Mayor's Office, incidentally, reviews the service provided by Comcast. We will be providing other information to make the case on why WTVS is an important part of Comcast's service to the greater Flint area. Thank you for urging the public and other friends to be vocal on this issue.

Another area needing our attention is the decision by United Cable of Oakland County to move Channel 56 off of Channel 6 way over to the 56 position. This will take us out of the scanning

WTVS 00021

pattern of most people. Complaints about this one should be addressed to:

Steve Daugherty
General Manager
United Cable Television
4500 Delemere Boulevard
Royal Oak, Michigan 48073

Our availability to the public and our support from the public make these cable changes and others that may come critical matters for your attention.

Thank you.



313 235 6112

Don/...
...
pr

WTVS/Channel 56

Detroit
Public
Television

7441 Secor
Detroit, MI
48202-2796

(313) 473-71

January 6, 1987

Mr. Les Jakobsen
General Manager
Comcast Cable
3008 Airpark Drive
Flint, Michigan 48507

Dear Mr. Jakobsen:

When two more phone calls came in yesterday to our station complaining about the dropping of Channel 56 from Comcast Cable in Flint, I checked on how many people from the Flint-Grand Blanc-Flushing areas actually make contributions to Channel 56.

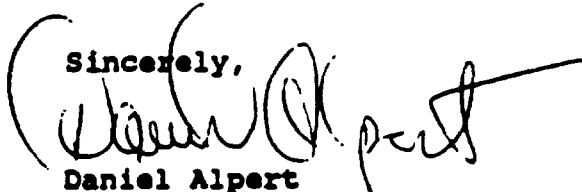
Just in the year 1986, we show 463 contributors in zip code 48501 through 48509, 48433 (Flushing), 48439 (Grand Blanc) and 48519 and 48529 (Burton). It is our experience that the vast majority of people watching us in the greater Flint area watch us on cable, as our over-the-air signal is not at its strongest in your area. It strikes me that the cable fees paid to you by 463 homes is probably over \$60,000 a year, and I would hope you would take the viewing habits of these people into account as you reconsider your decision to drop Channel 56 from your cable service.

People who make voluntary contributions to a public television station are obviously likely candidates for cable service. They know a good thing and they are willing to pay for it. One of the things that makes Channel 56 useful to them, we have learned, is our unique (to public television) 24-hour-a-day broadcast service as well as our non-PBS acquisition programs. The character of our service with its unique urban focus also has a special appeal to many viewers. Just judging by the number of phone calls and letters we have gotten from the Flint area ever since early December when the word came out that you were going to be dropping Channel 56, I can conclude that whatever the complaints of duplication you may have heard before, the actual usage of our channel on your cable system has been high and quite appreciated by your subscribers.

WTVS 000024

I appreciate your willingness to again consider all the factors involved in whether or not to carry WTVS/Channel 56 on Comcast Cable in the Flint area. I hope you will see it as a good business decision as well as a good service to reinstate Channel 56 on your system. I look forward to hearing from you.

Sincerely,



Daniel Alpert
Senior Vice President/
Assistant General Manager

/g

THE REVEREND FATHER ROBERT HAYNES ATWOOD
1648 EUCLID AVENUE, FLINT, MICHIGAN 48503

WAT

February 20 1987

Mr. Les Jakobson
COMCAST Cablevision
3008 Airpark Drive
Flint, Michigan 48507

Dear Mr. Jakobson:

I write in protest to the arbitrary cancellation of PBS stations WTVS Channel 56 and WKAR Channel 23. As a COMCAST Cablevision subscriber of several years, I wish to inform you that the only reason I have for subscribing to your service is the educational and entertainment products of great value supplied by all of the PBS outlets. I recognize that deregulation permits you to tell me what I must watch on cable, unfortunately, while permitting me the dubious privilege of paying you monthly for other services which I do not want.

It strikes me that, despite deregulation, you have a responsibility to provide services for which clients wish to pay, without exercising your arbitrary prerogative of dictating to me what I must watch without even the courtesy of informing me or seeking my opinion. Your highhanded and dictatorial methods are irresponsible, deplorable, and deserve nothing but condemnation from this community. You seem to have no interest whatsoever in providing anything on cable channels but concentrated trash for which we must pay, whether we like the programming or not.

I am outraged at your lack of community concern. Kindly do not cancel our access to WFUM Channel 28 or WCUM Channel 19, the only PBS outlets we can now receive. I urge you to consider restoring our access to channels 23 and 56. The American way is to give customers a full range of options.

Sincerely


(The Reverend) Robert H. Atwood

cc: PBS stations
Corporation for Public Broadcasting
Federal Communications Commission
Mayor's Office on Aging and Handicapped, City of Flint
elected officials
The Flint Journal
James Kalemis

WTVS 0002

*I would be glad to be a contributor to your
... .. I*

Comcast on subscriber survey

Burton officials for Monday night on Comcast's performance was canceled. A city official said no Comcast representatives could appear because the firm was given less than a week's notice of the session.

City Councilman Eldon Card, who has been a critic of Comcast, said he hoped the hearing would be rescheduled sometime in July.

In its annual report of earnings to the City of Flint, Comcast reported a 13.4 percent gain in pre-tax earnings for its Flint-area system for 1986.

It reported a 50 percent increase in earnings from the Flint system, resulting largely from a 20 percent gain in revenue from basic subscribers.

The overhaul of Comcast's system to offer the expanded "super basic" lineup was completed in Flint in 1985.

It reported a 58 percent income decline from its 15 suburban franchises. Operating, marketing and debt costs for the suburban system all increased, the report said.

The rebuilding of lines in the suburbs was nearly completed during the year and Comcast spent large sums to market the new lineup there.

The impact of Comcast's major round of rate boosts that took effect Jan. 1 will be reflected in the 1987 report. The increases averaged 14 percent but fell mainly on basic-service subscribers.



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FLINT, MI

FLINT JOURNAL
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JUN-25-87

Comcast to keep viewers in suspense

By RON KRUEGER
Journal staff writer

Comcast Cablevision's long-awaited subscriber survey is finished but the firm will keep subscribers and the community in suspense until July 10.

The survey, prompted by complaints about rate increases and lineup changes, will be presented to the Flint Cable Communications Advisory Committee.

The group is to meet at noon that day in the City Council's conference room in City Hall.

Comcast General Manager Les Jakobsen refused to discuss the results, saying he had not seen them and only had discussed them briefly with a vice president of the Philadelphia-based cable giant.

He said Regional Vice President Thomas G. Baxter will be here week after next to review the survey and discuss possible changes in the 29-channel basic lineup.

Comcast had announced its Flint and suburban basic lineups would be merged Aug. 1, with any possible changes taking place then. But that step may be delayed until mid-August, Jakobsen said this week.

Some stations are not on the same channels on the suburban system as they are in the city and the suburbs do have local-originated and community-access channels.

Officials have said the survey results will guide them in determining whether

Channel 2 (WJBK) from Detroit is brought back and whether another public television station is substituted for Channel 19 (WUCM) in Bay City.

Comcast dropped Channel 2 and two PBS affiliates, Channel 23 (WKAR) in Lansing and Channel 56 (WTVS) in Detroit, last fall.

Officials have hinted they may add or substitute some other new channels at that time.

The fate of Channel 9 (CBET) in Windsor also apparently is in question. Comcast officials said they included questions in the survey about the station because of doubts about its viewership.

Meanwhile, a public hearing called by

part of
WTVS 26



WTVS Channel 56

Detr.
Publi
Tele

7441
Detrc
4820.

(313)

MEMO TO: Dan Alpert
FROM: Don Sandberg *Don*
DATE: Feb. 5, 1988
SUBJECT: COMMUNIVISION, FLINT

Here's a follow up to our conversation.

After talking with Mr. William R. Blankenship, a resident of Indian Hills Mobile Park, I called Communivision (1-800-544-4034) and was told that they have replaced Ch. 56 with Ch. 28. They had done so about two-three weeks ago and Mr. Blankenship was the only one who had complained. They told me, as they had Mr. B. that if enough people complained, they might reconsider.

As a follow-up, I called Mr. B. (1-736-3678) to advise him of what I had discovered and to make him aware that we did not just ignore his call or concern. He provided another wrinkle. He claims that he had been receiving both 28 and 56 and now he is getting 28 on two channels. The Communivision technician tells him that this is not possible. Mr. B. has invited him out to look for himself.....invitation, to date, declined.

However, Mr. Blankenship is a loyal viewer of Ch. 56 and is persistent so he has his attorney looking into the situation and doesn't plan to give up 56 without a "fight". Incidentally, he does not sound like a crank. Rather. he sounds like an intelligent, rational person (a typical 56 viewer, of course). Besides, ch. 28 goes off the air at 11 p.m.

We may or may not hear anything more from or about this situation but it might someday be worth a story in REPORT TO THE BOARD or something more than a memo in the files.

WTVS 00003

